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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENWOOD COUNTY
Court of Common Pleas

The Honorable J. Derham Cole, Circuit Court Judge

Case No. 2022-CP-24-00278

Daryl Lamar Quarles, #279689, ...Petitioner,

v.

State of South Carolina,.....Respondent.

NOTICE OF APPEAL

Applicant, Daryl Lamar Quarles, appeals the order of the Honorable J. Derham Cole, filed on or about June 9, 2025, and received by the undersigned on August 14, 2025

September 4, 2025

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF GREENWOOD	)	FOR THE EIGHTH JUDICIAL CIRCUIT
	)	
	)	
Daryl Lamar QUARLES, SCDC #279689,	)	
	)	
Applicant,	)	
	)	
v.	)	**ORDER OF DISMISSAL**
	)	
The STATE of South Carolina,	)	Civil Action No. **2022-CP-24-00278**
	)	
Respondent.	)	
	)	

I. INTRODUCTION

This matter is before the Court on application for post-conviction relief (PCR) commenced by Daryl Lamar Quarles ("Applicant") on March 28, 2022. An evidentiary hearing was held on August 19, 2024 at the Laurens County Courthouse. Applicant was present and represented by Ashley A. McMahan, Esq. Assistant Attorney General T. Cruise Mitchell represented the State. Testimony was taken from Applicant and trial counsel Chelsea B. McNeill, Esquire ("Counsel").

Upon a full review and consideration of the record, this Court finds Applicant's allegations regarding ineffective assistance of counsel are without merit. For the reasons discussed below, this Court denies relief and dismisses this action with prejudice.

II. PROCEDURAL HISTORY

Applicant is confined in the South Carolina Department of Corrections pursuant to orders of commitment of the Greenwood County Clerk of Court. At the March 2020 term, the Greenwood County Grand Jury returned indictments against Applicant for Trafficking Heroin greater than 28 grams (2020-GS-42-00440). Applicant was represented by Chelsea B. McNeill, Esq. Assistant Eighth Circuit Solicitor Wade Dowtin prosecuted the case.

On July 26, 2021, Applicant entered guilty pleas before Circuit Judge R. Lawton McIntosh to Failure to Stop for a Blue Light and the lesser-included offense of Trafficking Heroin - four to fourteen grams - first offense. Applicant also waived grand jury presentment and pleaded guilty on another indictment to Possession With Intent to Distribute Heroin - second offense and was sentenced to concurrent terms of imprisonment of five years for Failure to Stop for a Blue Light and sixteen years on each of the drug charges. Applicant did not file a direct appeal.

III. CURRENT APPLICATION

Applicant commenced this PCR application on March 28, 2022. In his application Applicant alleged he was entitled to relief based on the following grounds:

1. Ineffective Assistance of Counsel

On November 13, 2023, Applicant, through PCR counsel, amended his application to include the following allegations:

1. Ineffective assistance of counsel for
    a. "Failed to discuss possible defenses to the drug case. Had Ms. McNeil discussed possible defenses of suppression of the drugs, etc., the Applicant would have insisted on going to trial and not pleaded guilty.
        i. "Failure to discuss possible defenses with the Applicant. Had Ms. McNeil discussed the possibility that the drugs that were found in the woods could not be traced back to the Applicant, Applicant would have insisted on going to trial. However, Ms. McNeil was refusing to try the case.
        ii. "Failed to move to suppress the drugs that were found in the woods that had no been proven to have any connection to the Applicant at the time they were found in the woods."
    b. "Ms. McNeil also did not discuss the defense that SLED only tested one pill per bag and not each individual pill."
    c. "Failed to go over and provide the Rule 5/Brady to the Applicant. (Please see attached, and incorporated herein, inmate requests requesting the discovery from the Public Defender's Office.) Applicant did not see the entire videos related to each case. Applicant only got to see part of the video prior to trial and Ms. McNeil informed the Applicant that there wasn't enough time to view the entire video prior to trial."

Applicant went forward on the allegations in his amended application at the evidentiary hearing.

IV. INEFFECTIVE ASSISTANCE OF COUNSEL, GENERALLY

Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

The reviewing court applies the two-part test outlined in *Strickland v. Washington* to determine whether counsel's conduct "was so ineffective as to require reversal" of the applicant's conviction. 466 U.S. 668, 687 (1984). To obtain relief, a PCR applicant must prove (1) counsel's performance fell below an objective standard of reasonableness, and (2) the applicant sustained prejudice as a result of counsel's deficient performance. *Id.* at 687–88; *accord. Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Strickland*, 466 U.S. at 700; *see also Bell v. Cone*, 535 U.S. 685, 695 (2002) (explaining that "[w]ithout proof of both deficient performance and prejudice to the defense, . . . it could not be said that the sentence or conviction resulted from a breakdown in the adversary process that rendered the result of the proceeding unreliable" (citation and internal quotation marks omitted)).

The applicant has the burden of establishing both deficiency and prejudice in order to be entitled to relief. *Hughes v. State*, 346 S.C. 554, 558, 552 S.E.2d 315, 317 (2001); Rule 71.1(e), SCRCP. To prove deficient performance, the applicant must establish that, in light of all the circumstances, the acts or omissions complained of "were outside the wide range of competence" demanded of attorneys in criminal cases. *Strickland*, 466 U.S. at 688. To prove prejudice, the applicant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Id.* at 694. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Id.* Significantly, "the ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged." *Id.* at 696.

V. FINDINGS OF FACT & CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the PCR hearing, observed the witnesses, passed upon their credibility, and weighed their testimony. After consideration of the evidence and legal argument of counsel, as well as the record incorporated by way of the State's return, this Court finds Applicant's claims to be without merit. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings of facts and conclusions of law based upon all of the probative evidence.

Failure to Discuss Possible Defense, Failure to Review Discovery, and Failure to Move for Suppression of Drugs[1]

Applicant alleges Counsel was ineffective for failing to discuss possible defenses and for failing to review discovery with him. Specifically, Applicant avers Counsel should have discussed the possibility that the drugs found in the woods could not be traced back to him and Counsel should have moved for the suppression of said drugs on that basis. Additionally, Applicant contends Counsel should have discussed that SLED only tested one pill per bag instead of each individual pill. This Court finds these allegations are without merit.

Applicant testified he pleaded guilty to two charges stemming from two incidents. Applicant explained he was represented by two attorneys prior to Counsel. Applicant explained the first incident occurred on January 9, 2020, alleging Applicant threw drugs out of a moving vehicle. The second incident occurred in June of 2020 that began in a waffle house parking lot where law enforcement underwent a wellness check of Applicant's vehicle. Law enforcement said they found drugs on Applicant and Applicant ran into the woods. Applicant averred he asked Counsel if he could see the videos from the incident and she refused because there was no time. Applicant testified he eventually took the sixteen-year plea deal after being encouraged to do so by his mother and sister.

Counsel testified she offered to review the discovery, including the videos, with Applicant but was refused because he claimed he had already done so with his prior attorney. Counsel met with Applicant again following his second arrest in which she went over discovery a second time. Counsel explained they

[1] All allegations will be addressed in this section.

viewed the videos together which clearly showed Applicant dropping a bag of drugs and fleeing the scene. After viewing the videos, Counsel explained Applicant agreed to plead guilty. Counsel testified she reviewed the discovery with Applicant four times, including body camera footage which showed Applicant running and then trip into a puddle when law enforcement picked him up and found drugs right underneath him. Counsel explained this was the State's strongest piece of evidence. Counsel explained that because Applicant was initially adamant about going to trial, she was fully prepared for suppression hearings. Counsel explained that ultimately Applicant decided to plead guilty to avoid risking a greater sentence.

This Court finds Counsel was not ineffective in consulting or reviewing discovery with Applicant. This Court finds Counsel's testimony as to this issue credible and Applicant's testimony that Counsel refused to review the video evidence with him not credible. This Court further finds that had Applicant proceeded to trial, Counsel was prepared to move for suppression of the drugs. This Court finds Counsel properly reviewed the evidence and discussed possible defenses with Applicant. After a thorough review of the evidence, Applicant wisely chose to plead guilty to avoid a greater sentence. The record from Applicant's guilty plea corroborates Counsel's testimony and refutes Applicant's. At the time of the plea, Applicant asserted that he was satisfied with the services of his attorney, that she has reasonably done what he asked her to do, and he has no complaints about her legal representation whatsoever. (Gp. Tr. p. 10). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual . . ., a criminal inmate's right to contest the validity of such a plea is usually, but not invariably, foreclosed." *Dalton v. State*, 376 S.C. 130, 137, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Blackledge v. Allison*, 431 U.S. 63, 74 (1977); see also *Jamison v. State*, 410 S.C. 456, 469–71, 765 S.E.2d 123, 129–30 (2014)). Admissions made during a guilty plea should be considered conclusive unless an applicant presents valid reasons why he should be allowed to depart from the truth of his statements. Id. at 137–38, 654 S.E.2d at 874; see also *Blackledge*, 431 U.S. at 73–74 (pointing out that representations made by a defendant, his lawyer, and the prosecutor at a guilty plea hearing, as well as any findings made by the judge accepting the plea, constitute a "formidable barrier in any subsequent collateral proceedings"). Additionally, Counsel informed the plea court he discussed potential defenses with Applicant multiple

times. (Gp. Tr. p. 11). This Court finds Counsel thoroughly reviewed discovery with Applicant as well adequately discussed possible defenses with him. Therefore, Counsel was not deficient in her consultations with Applicant prior to the plea.

Furthermore, Applicant has failed to prove he was prejudiced. The transcript of the plea proceeding reflects that Applicant elected to waive her right to a jury trial and present a defense. (Plea Tr. pp. 7–8). "A defendant is not entitled to withdraw his plea merely because he discovers long after the plea has been accepted that his calculus misapprehended the quality of the State's case or the likely." *United States v. Broce*, 488 U.S. 563, 572, 109 S. Ct. 757, 763, 102 L. Ed. 2d 927 (1989) (quoting *Brady v. Maryland*, 397 U.S. 742, 745, 90 S. Ct. 1463, 1473 (1970); see also *McMann v. Richardson*, 397 U.S. 795, 90 S. Ct. 1441 (1970) ("a counseled defendant may not make a collateral attack on a guilty plea on the allegation that he misjudged the admissibility of a confession"). Since Applicant waived his right to a jury trial, he may not now contest the voluntariness of his plea because he has allegedly miscalculated the admissibility of the drugs. Applicant has also failed to demonstrate that had Counsel more thoroughly reviewed discovery with him it would have resulted in him proceeding to a jury trial. *See Smith v. State*, 404 S.C. 493, 500–01, 745 S.E.2d 378, 382 (Ct. App. 2012) (noting that an applicant must present evidence to show how additional time spent in consultation regarding discovery would have resulted in a different outcome; mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief).

Applicant has failed to establish deficient performance on the part of counsel under prevailing professional norms and/or any prejudice resulting from counsel's performance, as there is no reasonable probability that but for counsel's performance the result of the proceeding would have been different. *Strickland v. Washington*, 466 US 668 (1984) and *Cherry v. State*, 300 SC 115 (1989).

VI. CONCLUSION

Based on the foregoing, this Court finds and concludes Applicant has not established any constitutional violation or deprivation that would entitle Applicant to post-conviction relief. This Court finds Counsel was not deficient in performance, nor was Applicant prejudiced by Counsel's representation.

The **APPLICATION** for post-conviction relief should be and **IS** therefore **DENIED** and **DISMISSED** with prejudice and Applicant remanded to custody for service of his sentence.

Applicant is noticed that he must file and serve a notice of appeal within thirty days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review pursuant to Rule 203, SCACR. Applicant has a right to appellate counsel's assistance in seeking review of the denial of PCR. *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991). Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to Rule 243, SCACR, for appropriate procedures for appeal.

AND IT IS SO ORDERED this 4th day of June, 2025.

J. DERHAM COLE, Presiding Judge
The Eighth Judicial Circuit Court